



*(University of Choice)*

**MASINDE MULIRO UNIVERSITY OF SCIENCE AND  
TECHNOLOGY  
(MMUST)**

**UNIVERSITY MAIN EXAMINATIONS**

**2021/2022 ACADEMIC YEAR**

**THIRD YEAR SECOND SEMESTER  
EXAMINATION**

**FOR THE DEGREE  
OF**

**BACHELOR OF COMMERCE**

**COURSE CODE: BCB 337**

**COURSE TITLE: LABOUR LAW**

**DATE: FRIDAY, 29<sup>TH</sup> APRIL 2022      TIME: 3:00 - 5:00PM**

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**INSTRUCTIONS TO CANDIDATES**

Answer question **ONE** and any other **TWO** questions

TIME: 2 HOURS

MMUST observes ZERO tolerance to examination cheating

This Paper Consists of 3 Printed Pages. Please Turn Over.

## QUESTION ONE( 40 marks)

*Read the text below and answer the questions that follow:*

### NAIROBI COUNTY WORKERS ISSUE 21-DAY STRIKE NOTICE

Nairobi County workers have given City Hall 21 days to pay them more than Sh560 million pending salaries and remit statutory deductions or they down their tools. The more than 12,000 staff have accused the Ann Kananu-led administration of diverting the funds to unauthorised expenditures. The diverted funds include statutory deductions and union dues amounting to Sh490.47 million between October and December 2021 as well as staff claims for the month of January 2022 totaling Sh70 million.

Kenya County Government Workers Union (KCGWU) Secretary-General Roba Duba said the county government has three weeks to immediately remit all the deductions without any further delay failure to which they will resort to industrial action. "Be warned, failure to pay all the deductions within 21 days will leave us with no option but to institute serious industrial action you holding, the concerned officers personally responsible as to attendant consequences thereof," said Mr Duba in a statement. The KCGWU boss accused City Hall of failing to remit the staff statutory deductions and Union dues despite making a requisition to the Controller of Budget (CoB). He said the county's failure to remit deductions has subjected workers to untold suffering with banks penalising those who have loans.

The union has also called for investigation and audit of the county government's expenditure during the period under focus. Further, the union has called upon the Controller of Budget Dr Margaret Nyakang'o to conduct an investigation and audit of the work plans for the months of October, November and December 2021 to ascertain that public money was used prudently.

**Source:** *Business Daily, Wednesday February 02 2022*

### **Required:**

The Head of the County Public Service is seeking a way of resolving the impasse. He has sought your advice as an expert in labour law.

- a. One of the complaints of the workers is that statutory deductions have not remitted. Apart from statutory deductions, Advise him on other legal provisions regarding protecting wages that the County Government should be keen on to avoid industrial action in future. (10 marks)
- b. The Union has given 21 days' notice. The head of the County Public Service is unsure if the trade union met the requirements of holding a protected and legal strike. Educate him on the conditions to be met by a trade union for a strike to be lawful (10 Marks)
- c. The County Head is considering terminating the employment contracts of the trade union leaders for gross misconduct for calling for the strike but is unsure if his action will be lawful. Advise him on instances when such termination is allowed( 10 marks)

## QUESTION TWO

- a. 'Students undertaking Human Resource Management should not study labour law because they will become human resource managers and not lawyers,' remarked an administrator in a university when informed that the said course is compulsory for such students. As an upcoming Human Resource professional, critique this view (10 marks).
- b. Discuss the various forms of employment contracts legally allowed in Kenya ( 10 marks)

### **QUESTION THREE**

- a. The Kenya Hospital Workers Union has been at loggerheads with the Private Hospital owners concerning the registration of their recently concluded Collective Bargaining Agreement. They have moved to the Employment and Labour Relations Court (ELRC) to have it registered. Discuss some of the issues that will be considered by the Registrar of the court before deciding whether to register the CBA. regarding their Collective agreement. (10 marks)
- b. Apart from what is stated in (a), explain other functions of the ELRC (10 marks)

### **QUESTION FOUR**

- a. 'Human Resource Managers are to ensure the Occupational Safety and Health Act,2007 is adhered to in a workplace. Discuss the provisions of this Act that relate to employee welfare (10 marks)
- b. Critically analyse legal circumstances under which termination of the services of an employee may be deemed wrongful( 10 marks)

### **QUESTION FIVE**

- a. Critically examine circumstances when discrimination in employment may be considered lawful( 10 marks)
- b. Explain the legal functions of the Board of the National Hospital Insurance Fund( 10 marks)

**END**

